

REMARKS

The rejections under 35 USC 112 result from imprecise reading of claim syntax that became complex in its transition from European two-part claiming to US direct claiming. Nevertheless, the syntax of claims 1, 13 and 14 has been simplified to avoid the rejection. Claims 1 and 13 have also been broadened to eliminate limitation to formation of an hydraulic accumulator.

The rejection under 35 USC 102 for anticipation by the applicant's prior patent is based on an imprecise reading of MPEP 2111.03. MPEP 2111.03 does not construe "consists essentially of" as equivalent to "comprising"; it construes it oppositely.

Nevertheless, because it "... is an applicant's burden to establish that a step practiced in a prior art method is excluded from his claims by 'consisting essentially of' language," the applicant notes that the claimed "extinguishing medium source consisting essentially of a long tube (2,2') constituting part of the tube system" for "leading extinguishing medium to the spray heads" clearly excludes the four tank-like liquid spaces 6 of the applicant's prior patent that are at opposite ends of tube systems from the spray heads.

The rejection under 35 USC 103 for obviousness from the McGee, Jr. and Miller, et al. patents is based on an imprecise reading of the McGee, Jr. patent. The McGee, Jr. patent does not disclose an extinguishing medium source in a volume of a tube system 10; instead it discloses in Figs. 1, 3, 5 and 6, for example, a water supply 17, 20, 25 and 37. "[A] water inlet pipe 17 under city water pressure leads into a bottom tubular section 14." Column 2, lines 16, 17.

The combination with the Miller, et al. patent does not complement the deficiency of the McGee, Jr. patent. The Miller, et al. patent only discloses "a large storage tank 10" (column 2, lines 21, 22) for the liquid fire extinguishing medium 12, which is not a long tube of a tube system to the spray heads, as claimed.

Therefore, neither patent, alone or in combination, discloses or suggests the claimed invention.

The rejection under 35 USC 103 for obviousness from the applicant's prior patent finds that it would have been obvious to a person having ordinary skill in the art at the time of the invention to have made its long tube at least 1 km for large ships, but this is neither so nor sufficient.

Because the pressure and liquid in the Sundholm patent come from the accumulators 2, km-length tubes therefrom to the spray heads would resist and delay delivery of liquid from the

km-remote accumulators to the spray heads. Adopting a system with such resistance and delay would not have been obvious.

Even if it were, it would be insufficient for a rejection, because the liquid source still would not consist essentially of the tube system to the spray heads. The liquid spaces 6 of the Sundholm patent are shown clearly in Fig. 1, for example, to be much larger than the tube system to the spray heads. Nothing in the patent discloses or suggests that this relative proportion of big liquid source and small tubes should not only change but reverse until the liquid source consisted essentially of the tubes, as claimed. Patents do not teach the opposite of what they disclose.

The rejections of dependent claims 7-10 are traversed by the traversals of the rejections of their parent claims. The applicant is concerned, however, by the indications of such rejections of these claims "as best understood" now, after PCT and prior US examination of the application. If these claims are objectionable under 35 USC 112, it is late in the day to make such objection, but it should be made. If the claims are not objectionable, they should not be gratuitously disparaged.

Reconsideration and allowance are, therefore, requested.

Respectfully submitted,



William R. Evans
c/o Ladas & Parry
26 West 61st Street
New York, New York
Reg. No. 25858
Tel. No. (212) 708-1930

1. (twice amended) A fire fighting apparatus comprising a plurality of spray heads (5a to 5e, 6a to 6e; 5a', 5b' to 5e'), a tube system (2, 3a to 3e, 4a to 4e; 2', 3a', 3e') for leading extinguishing medium from an extinguishing medium source having a volume for the extinguishing medium to the spray heads, at least one drive gas source (9 to 12; 9' to 12') for driving the extinguishing medium at a high pressure via the tube system to the spray heads and release means (8a, 8b) for activating at least one of the spray heads, characterized in that wherein:

the at least one drive gas source (9 to 12; 9' to 12') is coupled to an extinguishing medium source consisting essentially of a long tube (2; 2') constituting part of the tube system in such a way that, whereby the long tube together with the at least one drive gas source constitutes a hydraulic accumulator and the volume of the extinguishing medium source consists essentially of a volume of the long tube.

13. (amended) A fire fighting apparatus comprising a plurality of spray heads (5a to 5e, 6a to 6e; 5a', 5b' to 5e'), a tube system (2, 3a to 3e, 4a to 4e; 2', 3a', 3e') for leading extinguishing medium from an extinguishing medium source having a volume for the extinguishing medium to the spray heads, at least one drive gas source (9 to 12; 9' to

12') for driving the extinguishing medium at a high pressure via the tube system to the spray heads and release means (8a, 8b) for activating at least one of the spray heads, characterized in that wherein the at least one drive gas source (9 to 12; 9' to 12') is coupled to an extinguishing medium source which consists essentially of a long tube (2; 2') constituting which has a length of at least two hundred meters and constitutes part of the tube system in such a way that whereby the long tube together with the at least one drive gas source constitutes a hydraulic accumulator and the volume of the extinguishing medium source consists essentially of a volume of the long tube and the long tube has a length of at least hundreds of meters.

14. (amended) A fire fighting apparatus comprising a plurality of spray heads (5a to 5e, 6a to 6e; 5a', 5b' to 5e'), a tube system (2, 3a to 3e, 4a to 4e; 2', 3a', 3e') for leading extinguishing medium from an extinguishing medium source having a volume for the extinguishing medium to the spray heads, at least one drive gas source (9 to 12; 9' to 12') for driving the extinguishing medium at a high pressure via the tube system to the spray heads and release means (8a, 8b) for activating at least one of the spray heads,

characterized in that wherein the at least one drive gas source (9 to 12; 9' to 12') is coupled to an extinguishing medium source which consists essentially of a long tube (2; 2') constituting which has a length of at least about 1 km and constitutes part of the tube system in such a way that the long tube together with the at least one drive gas source constitutes a hydraulic accumulator and the volume of the extinguishing medium source consists essentially of a volume of the long tube and the long tube has a length of at least about 1 km.